

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Inventor(s): Mark E. Deem et al.

App. No.: 09/519,735

Filing Date: March 4, 2000

For: Methods and devices for use in performing
pulmonary procedures

Commissioner for Patents
Washington, D.C. 20231

Sir:

**POWER OF ATTORNEY BY ASSIGNEE
AND STATEMENT UNDER 37 CFR 3.73**

Emphasys Medical, Inc. ("Emphasys"), a Delaware corporation, states that it is the assignee of the entire right, title and interest in the US Application identified above by virtue of an assignment from the inventors to The Foundry, LLC, and an assignment from The Foundry, LLC to Emphasys, copies of which are attached hereto.

As assignee of record of the entire interest of the above identified application, Emphasys hereby revokes all prior powers of attorney and appoints the practitioners at Customer Number 25213 as its attorneys and agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

The undersigned is authorized to act on behalf of the assignee.

Emphasys Medical, Inc.

By: 

Anthony J. Fields

Vice President, Research & Development

Date: 8/27/01

ASSIGNMENT OF PATENT APPLICATION

WHEREAS, MARK E. DEEM, HANSON S. GIFFORD, III, RONALD FRENCH and DOUGLAS SUTTON, hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below identified application for United States Letters Patent:

Title of the Invention: METHODS AND DEVICES FOR USE IN PERFORMING PULMONARY PROCEDURES

Filing date: March 4, 2000




Application No.: 09/519,735

WHEREAS, THE FOUNDRY, a Delaware corporation, located at 604-D Fifth Avenue, Redwood City, California 94063, hereinafter referred to as "Assignee," is desirous of acquiring an interest in the invention and application and in any Letters Patent and Registrations which may be granted on the same:

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents does assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and all future improvements thereon, and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interests to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.


Mark E. Deem
Date
Hanson S. Gifford, III
Date
Ronald French
Date
Douglas Sutton
Date

ASSIGNMENT OF PATENT APPLICATION

WHEREAS, THE FOUNDRY, LLC, of 604-D Fifth Avenue, Redwood City, CA, 94063, hereinafter referred to as "ASSIGNOR," is the owner of all rights in certain new and useful improvements as described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: METHODS AND DEVICES FOR USE IN PERFORMING
PULMONARY PROCEDURES

Filing Date: March 4, 2000

Serial No.: 09/519,735

WHEREAS, EMPHASYS MEDICAL, INC., of 604-D Fifth Avenue, Redwood City, CA, 94063, hereinafter referred to as "ASSIGNEE," wants to acquire an interest in the invention and application and in any Letters Patent and Registrations that may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignor, Assignor has assigned, and by these presents does assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignor had this assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignor further agrees that Assignor will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

IN TESTIMONY WHEREOF, this Assignment is executed this 14th day of August, 2000.

By: 

Harrison S. Gifford, III

The Foundry, LLC

Title: President & CTO

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHODS AND DEVICES FOR USE IN PERFORMING PULMONARY PROCEDURES

the specification of which was filed on March 4, 2000, identified as U.S. Patent Application No. 09/519,735.

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

<u>Application No.</u>	<u>Country</u>	<u>Date of Filing</u>	<u>Priority Claimed Under 35 USC 119</u>
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I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

<u>Application No.</u>	<u>Filing Date</u>	<u>Status</u>
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I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Application No.</u>	<u>Filing Date</u>	<u>Status</u>
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POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Jens E. Hoekendijk, Reg. No. 37,149
Michael J. Lynch, Reg. No. 36,403
James M. Heslin, Reg. No. 29,541
Mark D. Barrish, Reg. No. 36,443

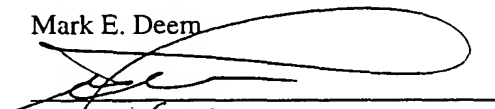
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Jens E. Hoekendijk 265 San Anselmo Avenue San Francisco, California 94127 Tel: 415-753-3376	Jens E. Hoekendijk Reg. No. 37,149 Tel 415-753-3376 Fax 415-753-3516

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of sole or one joint inventor:

Mark E. Deem

Inventor's signature:


6/19/00

Date:

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Citizenship:

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Full name of sole or one joint inventor:

Hanson S. Gifford, III

Inventor's signature:


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Full name of sole or one joint inventor:

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Inventor's signature:


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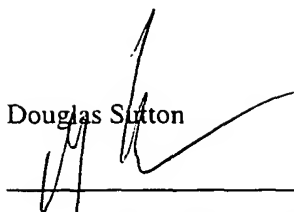
Citizenship:

United States

Full name of sole or one
joint inventor:

Douglas Sutton

Inventor's signature:



Date:

6.22.00

Residence & Post Office Address:

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Citizenship:

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